



Telecom Notice of Consultation CRTC 2015-224

PDF version

Ottawa, 28 May 2015

File number: 8661-C12-201504811

Call for comments

Proposals to improve tariff application and intercarrier agreement approval processes

Deadline for submission of interventions: 30 June 2015

[\[Submit an intervention or view related documents\]](#)

*The Commission initiates a proceeding intended to further streamline and increase the efficiency of its approval mechanisms for tariff applications, intercarrier agreements, and other processes. By **30 June 2015**, parties are invited to provide detailed comments, with supporting rationale, on the Commission's proposals, as well as submit their own proposals.*

Introduction

1. Over the past decade, the Commission has issued a number of decisions and information bulletins modifying the procedures for processing tariff applications and intercarrier agreements.¹ These changes have streamlined the Commission's processes, which has increased regulatory efficiency and provided greater certainty to the telecommunications industry.
2. In its continuing efforts to improve its processes, the Commission has identified a number of areas where, in its view, further streamlining and/or harmonization could be achieved. The proposals contemplated by the Commission in this notice, as outlined in detail below, should serve to further increase the Commission's efficiency and provide greater clarity and consistency to the telecommunications industry.
3. These proposals also respond to the Policy Direction,² which specifies, in part, that the Commission should only use tariff approval mechanisms that are as minimally intrusive and as minimally onerous as possible, and that it should continue to explore and implement new approaches for streamlining its processes.

¹ The various processes and timelines that currently apply to tariff applications and intercarrier agreements are summarized in Telecom Information Bulletin 2010-455. This bulletin also defines the criteria for the types of applications covered by this notice of consultation.

² *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, P.C. 2006-1534, 14 December 2006

4. In this notice, the Commission has identified areas where it considers that the process with respect to tariff applications, intercarrier agreements, and other matters could be further streamlined. In addition, the Commission is proposing that certain timelines for tariff applications and intercarrier agreements be revised.
5. The Commission's preliminary views on the above-noted topics are detailed below.

Proposed changes to the approval mechanism for tariff applications and intercarrier agreements

Group A filings

6. Group A retail tariff applications are forborne from approval by the Commission. This category currently applies only to applications submitted by incumbent local exchange carriers (ILECs). Tariff applications qualify as Group A filings when the associated revisions are restricted to one or more of the following:
 - a) changes to previously approved rates for retail services where the revised rates meet the Commission's price cap or price regulation rules and the price floor test, as applicable;
 - b) the following housekeeping changes to existing tariffs for retail services:
 - corrections of typographical errors or administrative errors on approved tariff pages;
 - updates to approved tariff pages to correct cross-references or to remove an expired promotion or special facilities tariff; and
 - updates to approved tariff pages to reflect changes to corporate or service names or titles; and/or
 - c) updates to tariff pages to incorporate forborne exchanges or routes, consistent with Commission forbearance decisions.
7. It would be appropriate to expand the criteria for Group A applications, thereby forbearing, pursuant to section 34 of the *Telecommunications Act* (the Act), from the approval of the following routine applications:
 - housekeeping changes, as set out above, in ILEC wholesale tariffs and the tariffs of competitive local exchange carriers (CLECs), as applicable;
 - updates to CLEC tariffs that are consistent with the most current version of the CLEC Model Tariff found in the CISC³ section of the Commission's website;

³ CISC stands for CRTC Interconnection Steering Committee.

- updates in any tariff to reflect area code changes;
 - where revisions to tariff pages in any tariff do not include any changes to rates, terms, or conditions of a service or feature; and
 - revisions to tables of contents, indexes, and check pages (list of pages and revisions in the tariff) in any tariff, if filed independently of other tariff changes.
8. Expansion of the criteria for Group A applications as set out above would be reasonable as such applications would be administrative in nature, should not affect customers, and would be unlikely to elicit comments. Further, forbearing from the approval of these types of applications would, in the Commission's preliminary view, be consistent with the policy objectives set out in section 7 of the Act.

Group B filings

9. Group B filings currently consist of those retail tariff filings that do not belong to Group A and are not associated with service destandardization and/or withdrawal, and include all CLEC tariff filings. Filings that combine characteristics of Group A and Group B are to be filed as Group B filings.
10. Currently, Group B filings may be disposed of in one of the following three ways. In general
- if an application is approved, where no interventions are filed and there is no correspondence on file between Commission staff and the applicant, a note is added to the company's tariff page on the Commission's website to indicate the date of interim and final approval, without an order being issued;
 - if an application is approved where no interventions are filed but there is correspondence on the file between Commission staff and the applicant, a streamlined order is issued; streamlined orders⁴ are formal, numbered orders based on a template that lists the company's name, tariff notice number, date of application, and the Commission's determination, including the effective date of the tariff; and
 - if interventions are received, changes to proposed tariff page(s) are required, the application is approved in part or denied, or the applicant has requested ratification for a rate charged otherwise than in accordance with an approved tariff under subsection 25(4) of the Act, then the Commission will issue a non-streamlined order. Non-streamlined orders⁵ are formal, numbered orders that

⁴ These orders appear on the "Today's Releases" page of the Commission's website.

⁵ See footnote 4.

provide written analysis of the application and the rationale for the Commission's determination(s).

11. The current process for handling Group B applications could be improved, both in terms of consistency and transparency, to address the fact that some applications are disposed of by way of orders and others are not. Such a process can cause confusion, especially when parties attempt to reference past Commission determinations on a particular topic.
12. It would be appropriate to resume issuing streamlined orders, as a general practice, for all Group B tariff applications that are approved. This proposal would make streamlined orders the default method of approval for such applications. More detailed, non-streamlined, orders would generally continue to be issued in the case of applications where interventions are received, or where the Commission either approves an application in part or denies the entire application.

Standard-form agreement reports, agreement templates, and PIC/CARE handbooks

13. In Telecom Decision 2007-129, the Commission forbore, in part, from approving certain intercarrier agreements. In particular, the Commission determined that master agreements for local interconnection (MALIs) and agreements for interconnection between local exchange carriers (LECs) and interexchange carriers (IXCs) [LEC-IXC agreements] that are identical to Commission-approved models do not have to be filed for Commission approval.
14. In granting forbearance from approval of these types of agreements, the Commission considered that a streamlined process to track signed agreements would still be necessary. LECs currently are required to report quarterly the names of the parties and the date of execution of any such agreements in the previous quarter. In the Commission's view, the filing of LEC-IXC and MALI quarterly reports is no longer required. In addition, the Commission notes that LECs are currently required to file the Schedule C to any MALI they enter into within seven business days of its execution, which allows the Commission to track the existence of MALIs.
15. Basic Listing Interchange File (BLIF), 9-1-1, message relay service (MRS), and Internet Protocol (IP) Relay service agreements, as well as PIC/CARE⁶ Access Customer handbooks (PIC/CARE handbooks),⁷ are based on standard templates. The filing of such documents is strictly administrative and is unlikely to elicit any comments. As such, the Commission is of the preliminary view that documents of this type no longer require Commission approval.

⁶ PIC/CARE stands for Primary Interexchange Carrier/Customer Account Record Exchange.

⁷ PIC/CARE handbooks set out the guidelines for the exchange of information between a LEC and long distance service providers. They contain the process used to exchange customer account information that ultimately allows for consumers to be able to select their long distance provider of choice.

16. In light of the above, in accordance with section 34 of the Act, it would be appropriate for the Commission to expand forbearance from the approval of standard-form MALI and LEC-IXC agreements by eliminating the condition on forbearance that requires LECs to file quarterly reports on these types of agreements that they have entered into in the previous quarter.

17. Further, it would be appropriate to forbear from the approval of

- all intercarrier agreements that follow standard templates, such as BLIF, 9-1-1, MRS, and IP Relay service; and
- PIC/CARE handbooks that are consistent with the CISC model.

However, as a condition of forbearance, LECs would still be required to file these agreements and handbooks within seven days of their execution or adoption, as the case may be.

Standardization of timelines for retail tariff applications and intercarrier agreements

Deadlines for interim approval/issuance of Commission staff letter

18. Currently, different dates apply by which the Commission will grant interim approval or Commission staff will issue a letter for certain types of applications.⁸ Further, some of these dates are stated in terms of calendar days – for example, Group B filings – and some are stated in terms of business days – for example, retail and competitor destandardization and/or withdrawal applications.

19. It would be appropriate to harmonize the timelines for interim approval (or the issuance of a Commission staff letter) for Group B tariffs, intercarrier agreements, and destandardization and/or withdrawal applications to 15 calendar days from the date of the application. A change from business to calendar days would be consistent with the computation of a time period under subsection 12(2) of the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure).

20. Such a change should reduce uncertainty concerning the timing of interim approval for such applications and provide greater consistency in the timelines for tariff and intercarrier agreement applications.

⁸ In the case of a Group B filing, Commission staff will generally send the applicant a letter if the application will not be approved on an interim basis by the 15th calendar day from the date the application is filed. Such a letter may also include interrogatories. In the case of applications for destandardization/withdrawal, currently, where there are no customers for a particular service, the Commission intends to grant interim approval within 10 business days of a complete application being filed.

Intervention/reply deadlines

21. It would be appropriate to harmonize the dates of deadlines associated with the filing of interventions and replies relating to various types of applications and agreements. Such harmonization should reduce confusion about the filing requirements associated with participation in the Commission's processes.
22. Accordingly, it would be appropriate to
- in the case of Group B tariff filings and intercarrier agreements, harmonize the deadlines for filing interventions to 30 calendar days from the date the application is filed, with applicants allowed a further 10 calendar days for filing replies; and
 - in the case of destandardization and/or withdrawal applications, modify the deadlines for filing interventions to 45 calendar days from the date the application is filed,⁹ with applicants allowed a further 10 calendar days for filing replies.¹⁰
23. Changing the timelines for interventions and replies for Group B applications to 30 and 10 calendar days, respectively, would align with the timelines for competitor tariff applications and Part 1 applications.¹¹ Similarly, changing the timelines for destandardization and/or withdrawal applications from business to calendar days would align with the Commission's method of computation of time for other types of tariff and agreement applications and Part 1 applications. All of these changes would provide greater consistency among different types of applications.

Call for comments

24. The Commission calls for comments, with supporting evidence and rationale, on the preliminary views outlined above. Parties to this proceeding are also invited to propose additional streamlining suggestions regarding process matters related to tariff applications and intercarrier agreements, with supporting evidence and rationale.

Procedure

25. The Rules of Procedure apply to this proceeding. The Rules of Procedure set out, among other things, the rules for the content, format, filing, and service of

⁹ The longer period of time for interventions on destandardization and/or withdrawal applications than for other types of applications allows the applicants sufficient time to notify customers, and customers sufficient time to submit interventions.

¹⁰ See the Appendix of this notice for a summary of the current and proposed timelines for interventions and replies.

¹¹ Paragraph 94 of Broadcasting and Telecom Information Bulletin 2010-959 addresses exceptions to the timing of the filing of documents with the Commission e.g., the filing of documents with the Commission during the Holiday Break (21 December to 7 January).

interventions, replies, and requests for information; the procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings, where applicable. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and their accompanying documents, which can be found on the Commission's website at www.crtc.gc.ca, under "Statutes and Regulations." The *Guidelines on the CRTC Rules of Practice and Procedure*, as set out in Broadcasting and Telecom Information Bulletin 2010-959, provide information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.

26. Large and small ILECs, CLECs, and wireless carriers are made parties to this proceeding and may file an intervention with the Commission by **30 June 2015**.
27. Interested persons who wish to become parties to this proceeding must file an intervention with the Commission regarding the above-noted issues by **30 June 2015**. The intervention must be filed in accordance with section 26 of the Rules of Procedure.
28. Parties are permitted to coordinate, organize, and file, in a single submission, interventions by other interested persons who share their position. Information on how to file this type of submission, known as a joint supporting intervention, as well as a [template](#) for the accompanying cover letter to be filed by parties, can be found in Telecom Information Bulletin 2011-693.
29. All documents required to be served on parties to the proceeding must be served using the contact information contained in the interventions.
30. All parties may file final replies with the Commission, serving copies on all other parties, by **10 July 2015**.
31. The Commission encourages interested persons and parties to monitor the record of this proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.
32. Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line *****End of document***** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.
33. Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

by completing the
[\[Intervention form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or
by fax to
819-994-0218

34. Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that service/filing of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed. The Commission advises parties who file and serve documents by electronic means to exercise caution when using email for the service of documents, as it may be difficult to establish that service has occurred.
35. In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.
36. The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

Important notice

37. All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, facsimile, email, or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This includes all personal information, such as full names, email addresses, postal/street addresses, telephone and facsimile numbers, etc.
38. The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.
39. Documents received electronically or otherwise will be posted on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.
40. The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

Availability of documents

41. Electronic versions of the interventions and other documents referred to in this notice are available on the Commission's website at www.crtc.gc.ca by using the file number provided at the beginning of this notice or by visiting the "Participate" section of the Commission's website, selecting "Submit Ideas and Comments," then selecting "our open processes." Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns associated with this particular notice.
42. Documents are also available from Commission offices, upon request, during normal business hours.

Commission offices

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Secretary General

Related documents

- *Filing of joint supporting interventions*, Telecom Information Bulletin CRTC 2011-693, 8 November 2011
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010
- *Approval processes for tariff applications and intercarrier agreements*, Telecom Information Bulletin CRTC 2010-455, 5 July 2010
- *Forbearance with respect to certain inter-carrier agreements filed pursuant to section 29 of the Telecommunications Act*, Telecom Decision CRTC 2007-129, 14 December 2007

Appendix

Current and proposed deadlines for retail tariff applications and intercarrier agreements

Type of application	Current		Proposed		Change?
	Deadline for interventions	Deadline for replies	Deadline for interventions	Deadline for replies	
Competitor	30 calendar days	10 calendar days	30 calendar days	10 calendar days	No
Group B	25 calendar days	7 calendar days	30 calendar days	10 calendar days	Yes
Inter-carrier Agreements	25 calendar days	7 calendar days	30 calendar days	10 calendar days	Yes
Destandization/ withdrawal	30 business days	10 business days	45 calendar days	10 calendar days	Yes